

State of California  
Regional Water Quality Control Board  
San Diego Region

**REVISED**

**EXECUTIVE OFFICER SUMMARY REPORT**  
August 10, 2005

ITEM: 11

SUBJECT: NPDES Permit Renewal: Waste Discharge Requirements for the City of Oceanside, San Luis Rey and La Salina Wastewater Treatment Plants and Brackish Groundwater Desalination Facility, Discharge to the Pacific Ocean via the Oceanside Ocean Outfall, San Diego County (Tentative Order No. R9-2005-0136) (*Victor Vasquez*)

PURPOSE: To adopt updated waste discharge requirements and NPDES permit for the treatment and disposal of up to 20.9 million gallons per day (MGD) of secondary effluent from the City of Oceanside's San Luis Rey and La Salina Wastewater Treatment Plants and 2 MGD of waste brine from its Brackish Groundwater Desalination Facility to the Pacific Ocean. This Order would, if adopted, update and replace Order No. 2000-011.

PUBLIC NOTICE: The NPDES permit hearing notice was published in the North County Times newspaper on July 6, 2005 for the Regional Board meeting scheduled for August 10, 2005. This item was originally scheduled for the June 8, 2005 Regional Board meeting, and an NPDES permit hearing notice was published in the North County Times newspaper on May 7, 2005. Copies of the tentative Order were mailed on May 9, 2005 to the discharger and to all known interested parties and agencies. Copies were made available for public review at the Regional Board office on May 9, 2005. The tentative Order was also posted on the Regional Board's website on May 12, 2005. A letter notifying the discharger and all known interested parties and agencies that consideration of this item was moved to the August 8, 2005 Regional Board meeting was mailed on June 13, 2005.

DISCUSSION: The City of Oceanside (Discharger) provides treatment and disposal of municipal wastewater. The Discharger owns and operates the San Luis Rey Wastewater Treatment Plant (SLRWTP), the La Salina Wastewater Treatment Plant

(LSWTP), and the City of Oceanside sanitary sewer system; each of these facilities is considered a publicly-owned treatment works (POTW) on its own. The SLRWTP and LSWTP have a design capacity of 15.4 MGD and 5.25 MGD, respectively. The Discharger also owns and operates the Brackish Groundwater Desalination Facility (BGDF), not considered a POTW, which produces potable water and up to 2 MGD of waste brine. The discharger owns and operates the Oceanside Ocean Outfall (OOO), not considered a POTW, and effluent from SLRWTP and LSWTP and waste brine from BGDF are discharged to the Pacific Ocean via the OOO. The Discharger also manages the distribution and off-site use of up to 0.7 MGD of recycled water produced at the SLRWTP under separate waste discharge requirements.

The OOO has a design capacity of 30 MGD. Three other agencies currently have contracts with the City of Oceanside to discharge wastes through the OOO to the Pacific Ocean. Fallbrook Public Utility District (currently regulated under Order No. 2000-012 and to be regulated under tentative Order No. R9-2005-0137, when adopted) may discharge up to 2.4 MGD of treated wastewater. US Marine Corps Base Camp Pendleton (regulated under Order No. R9-2003-155) may discharge up to 3.6 MGD of treated wastewater. Biogen IDEC Pharmaceuticals Corporation (regulated under Order No. R9-2005-0140) may discharge up to 0.155 MGD of brine and other non-process industrial wastewater.

The effluent limitations contained in tentative Order No. R9-2005-0136 for the discharges of secondary effluent and waste brine to the Pacific Ocean are based principally on the 1994 *Water Quality Control Plan for the San Diego Basin* and the 2001 *Water Quality Control Plan for Ocean Waters of California* (Ocean Plan). The priority pollutant criteria in tentative Order No. R9-2005-0136 were determined using the Ocean Plan. Minimum secondary treatment requirements for total suspended solids (TSS), carbonaceous biochemical oxygen demand (CBOD), percent removal of TSS and CBOD, and pH are established by the Code of Federal Regulations (40 CFR 133.102).

To date, comments on the tentative Order have been received from the Discharger, Latham & Watkins, LLP, on behalf of Hydranautics, ~~and the San Diego Chapter of the Sierra Club, and the US Environmental Protection Agency Region IX. The comments are being considered by Regional Board staff, and responses to these comments will be prepared and sent to~~

~~the Regional Board members in the second agenda mailing and to the Discharger and other interested parties. If necessary, an errata sheet containing proposed revisions to the tentative Order in response to the comments received and for other reasons will be prepared and sent to the Regional Board members in the second agenda mailing and to the Discharger and other interested parties.~~ **Staff considered the comments and has prepared an errata sheet containing proposed additional revisions to the tentative Order in response to comments received as well as additions and clarifications from staff. The responses to comments and errata sheet and have been sent to the Discharger and interested parties by letter dated August 5, 2005.**

**SIGNIFICANT CHANGES:**

Tentative Order No. R9-2005-0136 consists of a new format and contains updated and new standard language. The following areas in the tentative Order differ from the existing Order:

1. The minimum initial dilution ratio has been recalculated, resulting in an increase from 82:1 to 87:1. Attachment G of the tentative order contains information regarding how the new dilution factor was calculated.
2. Effluent limitations prescribed by Order No. 2000-011 for conventional pollutants, for the most part, have been retained. Technology-based effluent limitations based on secondary treatment standards are now prescribed for the effluent from each wastewater treatment plant rather than the combined final effluent that includes waste brine at the ocean outfall. Influent and effluent monitoring points for each treatment plant have been added.
3. Reasonable potential analysis was conducted using effluent data supplied by the Discharger. Effluent limitations were included for constituents with reasonable potential to cause an exceedance of water quality objectives. Constituents that did not have reasonable potential are listed as "performance goals" in this the tentative Order. These constituents shall be monitored, but the results will be used for informational purposes only, not compliance determination.
4. Reasonable potential analysis indicated reasonable potential for the discharge to cause an exceedance of the acute toxicity water quality objective, and therefore, updated effluent limitations using the revised minimum initial dilution ratio were included in the tentative Order. The

monitoring frequency for acute toxicity has been modified to quarterly from monthly.

5. Section VII – Compliance Determination has been added to explain how compliance with the requirements of the tentative Order will be determined.
6. Additional provisions and monitoring requirements such as an Urban Runoff Diversion Program, a Plume Tracking Study, and a feasibility evaluation for the direct monitoring of receiving waters for water quality objective compliance have been added to the tentative Order.

COMPLIANCE:

The Discharger has complied with the effluent limitations of Order No. 2000-011 with some exceptions. Non-compliance resulting in monetary penalties are described as follows:

The Discharger was issued an Administrative Assessment of Civil Liability containing a \$9,000 Mandatory Minimum Penalty on October 10, 2003 for three violations of Order No 2000-011: one violation of the 30-day oil and grease effluent limitation in August 2000, one violation of the tributyltin 30-day average concentration effluent limitation, and one violation of the tributyltin 30-day mass emission rate effluent limitation. The oil and grease violation was a chronic violation that required mandatory minimum penalty of \$3,000 pursuant to Water Code Section 13385(i). The two tributyltin violations were serious violations that required mandatory minimum penalties of \$3,000 each pursuant to Water Code Section 13385(h).

The Discharger was issued an Administrative Assessment of Civil Liability containing a \$18,000 Mandatory Minimum Penalty on September 2, 2004 for 31 violations of the total suspended solids and settleable solids effluent limitations of Order No. 2000-011 during the period October 29, 2003 through December 4, 2003. The Discharger demonstrated that the violations were the result of a single operation upset caused by two mechanical failures in the biological treatment process. California Water Code Section 13385(f)(2) allows the Regional Water Board to assess \$3,000 total for all violations that occur within a 30-day period due to a single operational upset. Consequently, the Regional Water Board assessed \$3,000 administrative civil liability for 26 violations that occurred within the first 30 days of the violation period and \$3,000 each for five violations that occurred after the first 30 days.

KEY ISSUES:

The Discharger has submitted comments expressing concerns that planned repairs, maintenance, and upgrades at the La Salina treatment plant will require bypassing of treatment facilities and will result in violations of technology-based effluent limitations due to the change in compliance point implemented in the tentative Order. Regional Board staff is working with the Discharger and USEPA to resolve this issue.

Hydranautics, an industry that discharges wastes to the City of Oceanside sanitary sewer system and subject to pretreatment standards, has submitted comments requesting the removal of the acute toxicity limitation. Regional Board staff is considering this request.

SUPPORTING DOCS:

1. Site Map
2. Tentative Order No. R9-2005-0136 including Attachments A-G with transmittal letters
3. Comment letter from City of Oceanside
4. Comment letter from Sierra Club, San Diego Chapter
5. Comment letter from Latham & Watkins, LLP, on behalf of Hydranautics
- 6. Comment letter from US Environmental Protection Agency, Region IX sent via electronic mail on August 3, 2005**
- 7. Transmittal letter for Regional Board Responses to Comments document and Errata Sheet**
- 8. Regional Board Responses to Comments document**
- 9. Errata Sheet**

RECOMMENDATION:

Adoption of Tentative Order No. R9-2005-0136, NPDES Permit No. CA0107433, is recommended.